

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Clarksburg**

BOBBY E. BURTON, JR.,

Plaintiff,

v.

Civil Action No. 1:19-CV-117
Judge Klee

CAPT. TAYLOR, Food Service,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

The above referenced case is before this Court upon the magistrate judge's recommendation that this matter be transferred to the United States District Court for the Eastern District of Texas for all further proceedings, and that any motions pending at the time of transfer be carried with the case for consideration by the transferee Court.

This Court is charged with conducting a *de novo* review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. ***Thomas v. Arn***, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. ***United States v. Schronce***, 727 F.2d 91 (4th Cir. 1984), *cert. denied*, 467 U.S. 1208 (1984). No objections have been filed to the magistrate judge's report and recommendation.

A *de novo* review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. Accordingly, the magistrate judge's report and recommendation [**Doc. 4**] is **AFFIRMED**, and the above-styled case is hereby **TRANSFERRED** to the United States District Court for the Eastern District of Texas for all further proceedings. It is further **ORDERED** that this case be **DISMISSED** and **STRICKEN** from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record and to mail a copy to the *pro se* plaintiff.

DATED: September 28, 2021.

A handwritten signature in black ink, appearing to read "Tom S. Kleeh", written in a cursive style.

THOMAS S. KLEEH
UNITED STATES DISTRICT JUDGE